

117TH CONGRESS
1ST SESSION

H. R. 2080

To amend title XVIII of the Social Security Act to provide for temporary coverage of certain transportation services for certain individuals under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2021

Mr. BISHOP of Georgia (for himself, Mr. CARTER of Georgia, Mr. CÁRDENAS, Mr. GRIFFITH, Mr. GRIJALVA, Ms. PRESSLEY, Mr. COHEN, Mr. LEVIN of California, Mr. CARBAJAL, and Ms. SEWELL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for temporary coverage of certain transportation services for certain individuals under the Medicare program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senior Access to Vac-
5 cines Ensured Act of 2021” or the “SAVE Act of 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Kaiser Family Foundation reported
4 that only about 12 percent of Medicare beneficiaries
5 are full Medicare-Medicaid dual eligibles and, thus,
6 have Medicaid coverage for nonemergency medical
7 transportation (NEMT) to access COVID–19 vac-
8 cination appointments and other health care ap-
9 pointments. According to the Commonwealth Fund,
10 although 45 percent of Medicare beneficiaries have
11 incomes lower than 200 percent of the federal pov-
12 erty level (FPL), which can limit their transpor-
13 tation options, Medicare does not currently cover
14 NEMT.

15 (2) Medicare beneficiaries over the age of 65,
16 according to the Centers for Disease Control, are 24
17 times more likely to die from COVID–19 than an
18 adult aged 25–54.

19 (3) A managed NEMT benefit that offers
20 scheduling and other assistance would improve bene-
21 ficiaries’ access to the COVID–19 vaccine. It also
22 would reduce Medicare expenditures by covering
23 more cost-effective alternatives and avoiding the
24 high cost of in-patient COVID–19 treatment.

1 **SEC. 3. COVERAGE OF MANAGED, NONEMERGENT TRANS-**
2 **PORTATION SERVICES FOR CERTAIN INDIVI-**
3 **VIDUALS.**

4 Title XVIII of the Social Security Act (42 U.S.C.
5 1395 et seq.) is amended by adding at the end the fol-
6 lowing new section:

7 **“SEC. 1899C. MANAGED, NONEMERGENT TRANSPORTATION**
8 **SERVICES BENEFIT PROGRAM.**

9 “(a) ESTABLISHMENT.—The Secretary shall estab-
10 lish a program to be known as the ‘Managed, Nonemer-
11 gent Transportation Services Benefit Program’ for pur-
12 poses of furnishing qualifying individuals not more than
13 2 round-trip managed, nonemergent transportation serv-
14 ices (as defined in subsection (c)) to COVID–19 vaccina-
15 tion sites (including community pharmacies) beginning
16 April 1, 2021, and ending on the last day of the emergency
17 period described in section 1135(g)(1)(B).

18 “(b) CONTRACT WITH QUALIFIED TRANSPORTATION
19 MANAGER.—

20 “(1) IN GENERAL.—For each medicare admin-
21 istrative contractor jurisdiction for a year (beginning
22 with 2021), the Secretary shall enter into a contract
23 with one qualified transportation manager for pur-
24 poses of arranging for the provision of managed,
25 nonemergent transportation services to qualifying in-
26 dividuals in such region. Such contract shall provide

1 that payment be made by the Secretary for such
2 service on the basis of prepaid capitation payments
3 (taking into account the charge described in para-
4 graph (2)(E)).

5 “(2) SELECTION.—Not later than 30 days after
6 the date of the enactment of this section, notwithstanding any other provision of law, the Secretary
7 shall award contracts described in paragraph (1)
8 through a competitive bidding process under which
9 the Secretary evaluates applicant entities based on
10 experience, past performance, references, available
11 resources, and cost for purposes of selecting qual-
12 ified transportation managers, with preference given
13 to applicants with prior satisfactory performance as
14 a transportation broker under a program described
15 in section 1902(a)(70). Not later than 15 days after
16 such date of enactment, the Secretary shall publish
17 guidance for prospective qualified transportation
18 managers. Such guidance shall include information
19 on how such manager may enter into a contract de-
20 scribed in this subsection and a description of terms
21 and conditions applicable to such managers with
22 such contracts. Such a manager shall meet the fol-
23 lowing requirements:

1 “(A) The manager establishes procedures
2 meeting criteria established by the Secretary for
3 addressing beneficiary complaints and ensuring
4 network transportation providers are licensed
5 by the State for purposes of operating vehicles
6 and are competent and courteous.

7 “(B) The manager is subject to regular
8 audit and oversight by the State in which such
9 manager operates in order to ensure the quality
10 and timeliness of transportation services man-
11 aged and the adequacy of qualifying individuals'
12 access to medical care and services.

13 “(C) The manager complies with all re-
14 quirements specified in the contract described
15 in paragraph (1). Such requirements shall in-
16 clude requirements related to—

17 “(i) reviews and evaluations to ensure
18 the quality, appropriateness, and timeliness
19 of such services arranged by such man-
20 ager;

21 “(ii) prohibitions on referrals and con-
22 flict of interest as the Secretary shall es-
23 tablish (based on the prohibitions on physi-
24 cian referrals under section 1877 and such
25 other prohibitions and requirements as the

Secretary determines to be appropriate);
and

6 “(D) The manager establishes procedures
7 for determining an individual’s eligibility for
8 managed, nonemergent transportation services
9 under the program established under subsection
10 (a) using criteria established by the Secretary
11 under subsection (c)(3) and for scheduling and
12 organizing the furnishing of such services.

13 "(c) DEFINITION.—For purposes of this section:

14 "(1) MANAGED, NONEMERGENT TRANSPOR-
15 TATION SERVICES.—The term 'managed, nonemer-
16 gent transportation services' means the transpor-
17 tation of an individual by car, taxi, bus, or other
18 similar means (as specified by the Secretary) to a
19 provider or supplier of services where such individual
20 is to be furnished items or services payable under
21 this title.

22 “(2) **QUALIFIED TRANSPORTATION MANAGER.**—
23 The term ‘qualified transportation manager’ means
24 an entity that arranges, under contract with the

1 Secretary, for the provision of managed, nonemergent
2 transportation services to qualifying individuals.

3 “(3) QUALIFYING INDIVIDUAL.—The term
4 ‘qualifying individual’ means an individual entitled
5 to benefits under part A who is not enrolled under
6 a Medicare Advantage plan under part C and who
7 is not a full-benefit dual eligible individual (as de-
8 fined in paragraph (4)) who has no readily-available
9 means of transportation (as determined by the Sec-
10 etary). In determining whether an individual has no
11 readily-available means of transportation for pur-
12 poses of the previous sentence, the Secretary shall
13 establish criteria similar to those used by States in
14 making such determinations under a non-emergency
15 medical transportation program under a State plan
16 under title XIX (or a waiver of such plan), such as
17 evaluating whether such individual—

18 “(A) has a driver’s license;

19 “(B) has a working vehicle available to
20 such individual at such individual’s residence;

21 “(C) is incapable of driving due to a med-
22 ical condition; and

23 “(D) has inadequate financial resources to
24 pay for transportation.

1 “(4) FULL-BENEFIT DUAL ELIGIBLE INDI-
2 VIDUAL.—

3 “(A) IN GENERAL.—The term ‘full-benefit
4 dual eligible individual’ means for a State for a
5 month an individual who—

6 “(i) is entitled to benefits under part
7 A or enrolled under part B; and

8 “(ii) is determined eligible by the
9 State for medical assistance for full bene-
10 fits under title XIX for such month under
11 section 1902(a)(10)(A) or 1902(a)(10)(C),
12 by reason of section 1902(f), or under any
13 other category of eligibility for medical as-
14 sistance for full benefits under such title,
15 as determined by the Secretary.

16 “(B) TREATMENT OF MEDICALLY NEEDY
17 AND OTHER INDIVIDUALS REQUIRED TO SPEND
18 DOWN.—In applying paragraph (1) in the case
19 of an individual determined to be eligible by the
20 State for medical assistance under section
21 1902(a)(10)(C) or by reason of section 1902(f),
22 the individual shall be treated as meeting the
23 requirement of paragraph (1)(B) for any month
24 if such medical assistance is provided for in any
25 part of the month.

1 “(d) FUNDING.—The Secretary shall provide for the
2 transfer, from the Federal Supplementary Medical Insur-
3 ance Trust Fund under section 1841 to the Centers for
4 Medicare & Medicaid Services Program Management Ac-
5 count, of such sums as may be necessary for purposes of
6 carrying out this section.

7 “(e) CLARIFICATION.—The provisions of section
8 1862(a) shall not apply to payments made under a con-
9 tract described in subsection (b)(1).”.

